Questions and Answers About Collaborative Planning

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“Is it legal for all of us to be enjoying this so much?”
1 Is the planning board meeting its state-mandated responsibility by encouraging collaborative planning?

When a collaborative planning team designs a project that integrates well with the surrounding neighborhood and enhances it, the planning board gets a good plan to review. Encouraging and supporting collaborative planning shows that the planning board is meeting state-mandated responsibility to oversee and coordinate good land development planning of the town. The Collaborative Planning guidelines in the Appendix provide town officials with a format for setting up the collaborative planning process. Collaborative planning is a voluntary process that is used to design projects so that they include community-enhancing features.

2 Could collaborative planning yield “spot zoning?”

The state land use law that authorizes the planning board and gives it the authority to oversee planning in the town and to decide what plans get approved. If the plan does not comply with all the regulations, but the board thinks it is well planned and will blend into and benefit the adjacent neighborhood, they may approve it by variance, waiver, or revising the regulations. When the neighbors support variances for a project because it improves their lives and property values, the project revitalizes the area and the variances do not create “spot zoning” that will get the planning board in trouble.
How can the planning board find the neighbors of a proposed project at the beginning of the planning process?

Collaborative planning is used in settled areas where the site of the proposed project has people living or working around it. The names and mailing addresses of people living adjacent to a proposed project can be identified from the tax records. The procedure for notifying the neighbors and a sample letter about collaborative planning to be sent to the neighbors are included in the Collaborative Planning guidelines in the Appendix.

Could the planning board lose a lawsuit for not granting a variance for a community-enhancing feature?

A variance requested by a collaborative planning team might include a non-permitted community-enhancing feature. Since each project is a different size, in a different location, involving different community-enhancing features, granting a variance to permit a certain community-enhancing feature in one project is not likely to be seen as justification to grant a variance on another project. The planning board or zoning board or town council has the final say about whether the feature is important enough to community life to grant the variance. If the feature does not clearly enhance community life in the eyes of the planning board when variance is requested, it is unlikely that the collaborative planning team strongly supports that feature and unlikely that a judge would award the variance to the developer in litigation.

“...benefits by having at least a concept to work with that has local community support. In a couple of cases I think it’s fairly certain that we’ve been able to avoid litigation.”

Ted Chase, Planning Board Chairman, Lewisboro, NY
Could the collaborative planning process result in plans that violate sound planning principles?

There is little risk because the collaborative planning process is used to design projects that (1) include needed community-enhancing features for the settled area and (2) achieve the goals and principles of the master plan and the land development regulations.

Could neighbors use the collaborative planning process against the planning board or developer?

No. The collaborative planning process requires the collaborative participation of the developer. If the developer decides at any time to no longer participate with the neighbors, the collaborative planning process is at an end. Also, the neighbors and developer have no power over the planning board and the existing land development regulations. The planning board approves the project. In fact, it is prudent for the neighbors and developer to keep the planning board well informed as to their progress. See the Appendix for a sample letter that should be sent to the planning board after every collaborative planning session between the developer and neighbors. The collaborative planning process is a way to improve relationships and to gain the benefits from doing so. It cannot be used against anybody.
With collaborative planning, is there still a public hearing?

Yes. The public hearing process is not changed in any way by using the collaborative planning process.

Is it worthwhile to discuss the collaborative planning process publicly when there is no proposed project?

Yes. When people living in population centers see collaborative planning as a way to design proposed land development projects to solve crime, traffic, and pollution problems and to achieve affordable housing, they gain hope and are not as likely to flee to less developed areas. They also gain confidence in using collaborative planning themselves with the developer of a proposed project. The collaborative planning process is for people in settled areas who are interested in how their community is developing and who might, given the opportunity, participate in an effective process for improving the quality of a proposed land development.

Wouldn’t it be better to keep concerned citizens out of the planning until the public hearing?

No. With collaborative planning, the energy of concerned citizens is redirected to lead the collaboration. As they participate, local citizens realize that, collaboratively, they can efficiently use their energy to improve the proposed project to include community-enhancing features. They find that even on projects that have been confrontational and litigious, they can build an effective, collaborative relationship with town officials and the developer. Research and testimonials show that the sooner the neighbors are involved, the better the collaboration, and the more community-enhancing features are included in the project plan.

“I think this process is perfect for a planning board because the planning board is in the hot seat. I mean the planning board are members of the community and a development comes to a community and sometimes people feel it's being forced down their throat and the planning board is kind of stuck in the middle. This process gives everybody a chance to talk about their own particular needs and work as a team.”

Audrey O’Connell, Environmental Commission, Byram, NJ
Are ordinary citizens knowledgeable enough to participate in collaborative planning?

Yes. The collaborative planning process uses a large aerial photo that shows both the project site and its surrounding neighborhood. Ordinary citizens are capable of identifying natural, historic, and cultural places in their neighborhood on the aerial photo. They are also capable of selecting and modeling connecting walkways through the proposed project site, as well as needed recreational facilities, parks, and other community-enhancing features that could be included in the project. Ordinary citizens are also good at keeping the focus on building trust among the stakeholders, which is the most important part of designing a community-enhancing project.
11 Why not get design ideas from existing projects rather than use collaborative planning?

There are very few projects that are specifically designed to vitalize their surrounding neighbors. To get those projects we need a process that generates them. The process for creating community-building land development is not simply complying with land use regulations (in the same way the process for creating a good marriage is not simply complying with divorce regulations). To the degree that neighbors, developer, city planners, and environmentalists focus on the process of building one cohesive team, they will design community-enhancing features into their project. We have to rework the project design process to achieve exemplary neighborhood-improving land development.

12 Why not just educate the public about good design and good questions to ask?

Those are good ideas, but they have not, generally, been enough to generate neighborhood-enhancing projects. The reasons that proposed projects don’t achieve neighborhood-enhancing objectives are (1) the lack of outward focus on including needed community-enhancing features and (2) the lack of teamwork between neighbors, developer, and environmentalists in planning the project. Concerned citizens offer the best energy to achieve these objectives. They need to be supported by the planning board in hosting a collaborative process that improves proposed projects in their neighborhoods.

“I think that there are people in every community who will see the need for this process, and I do think this is the only way to do it.”
Ruth Smith, collaborative planning team, Town Council, Planning Board, Mendham, NJ
The current public participation process is fine, but it is not achieving Smart Growth.

Is the current public participation process adequate?

Yes, the current public participation procedure is fine for the land development design and approval system that is in place today. However, projects that solve environmental and societal problems and enhance existing neighborhoods in population centers could be better. Our research shows that collaboration in project design, when combined with a focus on including community-enhancing features in the project, will yield better projects. Collaborative planning is a way to design projects that are appealing to developers and achieve Smart Growth. It does not affect the process for public participation that is used today.

Don’t the zoning regulations dictate land development solutions?

Simply complying with zoning regulations yields projects that protect the rights of the community, the developer, and the environment. It doesn't seem to be enough to achieve Smart Growth and to stop Sprawl. Good zoning regulations are necessary, just as good divorce regulations are necessary. But, a process that improves the relationships between the stakeholders opens the door to the creativity, flexibility, and teamwork that can solve problems, achieve Smart Growth, and end Sprawl. Collaborative planning is a voluntary process, like a marriage, that needs to be backed up by good regulations in the event that the parties cannot work together.
Since the public usually doesn't want development, won't their involvement just aggravate things?

In collaborative planning the concerned citizens use their energy to host collaborative meetings with the developer, city planner, and environmentalists. Together, they select the appropriate community-enhancing features and obtain community support and resources for including these features in the project. The concerned citizens and developer together present their community-enhancing project to the planning board for approvals. The public's new focus on leading the collaborative effort changes aggravation into community building.

“Every planning board should consider this process from this standpoint: They need all the help they can get!”

William M. Cox, Attorney, Author of New Jersey Zoning and Land Use Administration

Neighbors leading collaboration ends confrontation.
Shouldn’t the neighbors’ views be subordinate to the law?

Yes, the neighbors’ views, as well as the developer’s and everyone else’s views, are subordinate to the law. The neighbors’ views about density and land use are not their primary focus in collaborative planning. The neighbors’ job is to set up and maintain a collaborative process with the developer and, as a team, to determine the best community-enhancing features to include in the project, find the necessary resources, and present the community-enhancing project to the planning board.

How will people ever agree on a plan that is good for the neighborhood?

Those very differences, plus the collaborative forum, are what generate the creativity to solve previously unsolvable environmental and societal problems. Most people seem to agree on community-enhancing features. The most important work in collaborative planning is teambuilding. People with different and divergent views who live in the same area find they still have much in common and can become friends. Energized by their team spirit, neighbors and developer configure the plan to include the appropriate community-enhancing features and find the resources to build it.
18 Does the collaborative planning process represent the wishes of non-participating residents?

The community-enhancing features that the participants select may not represent the wishes of the non-participating residents. However, the collaborative team effort seems to generate solutions that are widely appealing. In addition, neighborhood residents know that anyone is always welcome to join in the planning at any time. Some area residents attend a few meetings until they are comfortable that the process being followed will lead to sensible decisions.

19 Can the collaborative planning process make it easier for officials to encourage increased density in population centers?

Town officials can encourage collaborative planning because development projects that are designed with it will appeal to residents, solve problems, increase property values, and work for the developer. The collaborative planning process is something new that works politically – all stakeholders like it – and it just happens to generate projects that revitalize population centers so residents don’t want to flee to Sprawl projects.

The collaboration yields community-enhancing features that appeal to most people.

Denser development in population centers can be a community-enhancing feature.

“From my experience on the planning board and town council, I think that it’s not possible to legislate the diversity that is needed in our community. The planning board will ultimately have total control over this process, but it will still allow for a real mix of units where the planning board thinks that’s desirable.”

Ruth Smith, Planning Board, Town Council, Mendham, NJ
GLOSSARY OF IMPORTANT WORDS

Those are some questions that arise when people are first introduced to collaborative planning. In addition, this is a good place to review some words that are part of the changing paradigm regarding land development. As we expand our thinking, familiar terms take on new shades of meaning, and new words are needed to communicate new ideas. Here is an alphabetical listing of the more important words and their meanings as used in this book.

Agenda

Two meanings are used in this book: (1) a list of items to cover in a meeting and (2) a mind-set that is focused on achieving a special-interest goal. In meaning number 2, people in the roles of developer, neighbor, environmentalist, and municipal official each have their own mind-set agendas. Their mind-set agenda is the result of their land development experience. The Smarter Land Use project has discovered that an overall community-building agenda exists that includes within it the special-interest agendas of the neighbors, developers, environmentalists, and officials. It turns out that by designing the project together to achieve the community-building agenda, neighbors, developer, environmentalists, and officials have the best opportunity to achieve their special-interest agendas. And it is a lot more enjoyable!

Collaboration

The working relationship when people with different areas of expertise design a project together as one cohesive team. Rather than promoting their individual agendas in stereotypical ways, team members share their expertise. The greater the friendship and trust among the participants, the more effective the collaboration. The more effective the collaboration, the more wholesome and unifying is the project that they design.

Collaborative Planning Process

A step-by-step process for (1) building a unified team with the neighbors, developer, city planner, and environmentalists involved in a particular proposed project, and then (2) designing a financially feasible land development
project expressly to enhance the surrounding neighborhood by including community-enhancing features and solving environmental and societal problems. This process has been detailed by the Smarter Land Use Project.

**Collaborative planning team**

An open, inclusive, voluntary group of several interested citizens predominantly residing in proximity to the proposed project, and including the developer, other interested citizens, and local planning staff where feasible. The objective of the collaborative planning team is to design the land development concept plan that is most beneficial to the surrounding community and economically satisfactory to the landowner/developer.

**Consensus**

A collective opinion or general agreement. True consensus of a group is developed through complete participation and creative involvement from every member of the group. See the Consensus Checklist in the Appendix.

**Expertise**

Knowledge and understanding of a specific subject usually accompanied by experience. As in “Expertise in land development, environmental factors, and neighborhood conditions is essential in designing the best land development in a particular neighborhood.”

**Land Development**

Improving the function of a particular parcel of land so that it has greater value to life in its sphere of influence. This almost always involves a new use with a greater human presence and additional construction by humans on the parcel.

**Land Use**

The function served by a particular parcel of land. The functions served by a piece of property may involve humans changing the natural environment, or they may prohibit such human intervention. A wide range of human
interventions with the natural environment may achieve the chosen land use. The process for making land use decisions is an important factor in the health of our environment, our economy, and our society.

**Master Plan (also known as a Comprehensive Plan)**

A vision of the best long term use for all the land in a particular political jurisdiction. Determining the best long term land use is difficult and involves an ongoing dynamic process requiring meaningful broad-based citizen participation. One element of the master plan is to specify a process for updating it that includes citizen involvement and support.

**Master Plan Update Procedure (MPUP)**

Every town periodically updates its master plan. It is helpful to use an update procedure based on collaborative planning that has broad-based citizen ownership and support of the master plan vision while complying with current legal requirements. The collaborative planning process recommended by the Smarter Land Use Project has the Master Plan Committee participate with members of the public to update the master plan so that it best solves existing social and environmental problems and enhances community life. Collaborative master planning builds community spirit and thereby allows for inclusion of major community-enhancing features because controversy is reduced (see Chapter Seven).

**Mediation**

When people with conflicting agendas focus on finding a compromise solution with which they can live. Mediation in land development generally does not focus on achieving the overall community-building agenda. The larger focus allows the stakeholders to achieve their special-interest agendas. Collaborative planning is not mediation. Rather, it helps communities reach a higher level of cooperation where mediation is not required.
Paradigm for land development

The set of assumptions or beliefs that governs the thinking and mentality of people who are actively involved in making land development decisions.

Paradigm shift in land development

When some of the assumptions that have been guiding land development are replaced with new assumptions that result in better land development and healthier communities.

Permitting Process

The process for gaining local, county, and state approvals of the detailed project design plans. After the plans have been approved by all relevant agencies, a building permit is granted by the municipality. Cooperation between neighbors, planning board, developer, and environmentalists makes this process faster, easier, and more pleasant.

Planning Board (also called a Planning Commission)

A group of dedicated citizens, usually serving without pay, who serve their community by overseeing and coordinating the development of its land. Their time is usually spent reviewing developers’ plans and recommending improvements in the land use regulations. They sometimes find themselves caught in the middle between neighbors of a proposed project who don’t like the project, the developer who is complying with the regulations, and environmental advocates.

Proposed Project

When a real estate property in a settled area is for sale and a developer is interested in improving it for commercial, residential, or recreational use. A proposed project may be in the form of a development concept, a preliminary plan, or a detailed plan approved for construction. The design of proposed projects in settled areas will generally benefit from collaborative planning.
Radburn

An ungated, residential land development in Fairlawn, New Jersey, which demonstrates an extraordinary sense of safety and community, as well as complete socio-economic diversity. Each home is connected to the central park and the surrounding community via public, paved walkways. (See Chapter Six for aerial photos and a complete description of Radburn.)

Reconciliation

The realization or restoration of trust, harmony and friendship between people with different areas of expertise. Reconciliation precedes collaboration (after people make friends, they can collaborate). Reconciliation in land development may be needed among neighbors, developer, environmentalists, and city officials. Each player has different expertise that is essential in achieving good land development. As they reconcile and become friends, they can collaborate to design projects that also build community spirit.

Settled Area

A place of concentrated human activity where a proposed land development or redevelopment project usually has at least a dozen neighbors living or working in close proximity. In settled areas, proposed land development is characterized as infill, redevelopment, or fringe development. Existing land development in settled areas may be characterized as urban, suburban, rural village, or sprawl.

Smarter Land Use

Individual projects in settled areas that have been designed expressly to solve existing environmental and societal problems and enhance life in the surrounding neighborhood. Smarter land use generally results from a collaborative planning process.
Smart Growth

An expansion of human activity that solves existing societal and environmental problems and enhances community life. Smart Growth projects build community spirit, solve existing problems, and further develop the best character and identity of the area. They increase property values and reduce the expense of community services. They are generally supported by both residents and developers and may be more easily approved. The collaborative planning process described herein is one way to achieve Smart Growth.

Sprawl

The expansion of settled areas in ways that aggravate existing societal and environmental problems. Sprawl evolves when land development projects are not expressly designed to enhance their adjacent neighborhoods. Sprawl is aggravated by inward focus on the project itself and by distrust and confrontation between the developer, the public, and city planners. Since it is unlikely that development will enhance an undeveloped area, projects built in unsettled areas, where they do not have at least a dozen immediately adjacent neighbors, generally contribute to Sprawl.